

NOTICE OF VIOLATION

Nº21871

ODNR

OHIO DEPARTMENT OF
NATURAL RESOURCESDIVISION MINERAL RESOURCES
OF2050 EAST WHEELING AVE.
CAMBRIDGE, OHIO 43725

TO: AMERICAN ENERGY CORPORATION

PERMIT NO: D-0425

ADDRESS: 43521 MAYHUGH HILL ROAD 1TH ST

DISCOVERY DATE:

BEALLSVILLE, OHIO 43716

10-3 2005

APPLICABLE STATUTE AND/OR RULE: O.R.C. 1513.02 + 1513.35.

O.A.C. 1501:13-12-03(H)(1).

DESCRIPTION OF VIOLATION:

THE OPERATOR FAILED TO SUBMIT THE SITE SPECIFIC PLANS AND TIME SCHEDULE FOR THE REPAIR OR MITIGATION OF THE DAMAGES AT THE MOORE FARM AS SPECIFIED IN DAMAGE NOTICE # 2004-001.

(A) REMEDIAL ACTION & ABATEMENT TIME:

SUBMIT THE SITE SPECIFIC PLANS AND TIME SCHEDULE FOR THE REPAIR OR MITIGATION OF THE DAMAGE AT THE MOORE FARM OR EVIDENCE OF ANY AGREEMENT WHICH ADDRESS THE REPAIR OF OR COMPENSATION FOR THE DAMAGES TO THE MOORE'S STRUCTURES.

TIME: 5:00 ^{a.m.}_{p.m.} DATE: 10-21 2005

SERVED TO: Mailed 10/04/05

BY:

J. Putney

TIME:

a.m.

p.m.

DATE:

Cert No. 7003 3110 0002 6535 1025

Authorized Representative

EXTENDED TO: 5:00 ^{a.m.}_{p.m.} 11-20 2005EXTENDED TO: 5:00 ^{a.m.}_{p.m.} 12-26 2005

Served to: Mailed 10/27/05

Date:

Served to: Mailed 11/23/05

Date:

By: J. Putney

Date:

By: J. Putney

Date:

EXTENDED TO: 5:00 ^{a.m.}_{p.m.} 12-31 2005EXTENDED TO: 5:00 ^{a.m.}_{p.m.} 1-31 2006

Served to: Mailed 12/27/05

Date:

Served to: Mailed 01/12/06

Date:

By: J. Putney

Date:

By: J. Putney

Date:

EXTENDED TO: 5:00 ^{a.m.}_{p.m.} 3-2 2006EXTENDED TO: 5:00 ^{a.m.}_{p.m.} 4-30 2006

Served to: Mailed 02/09/06

Date:

Served to: Mailed 04/18/06

Date:

By: J. Putney

Date:

By: J. Putney

Date:

EXTENDED TO: 5:00 ^{a.m.}_{p.m.} 3-31 2006EXTENDED TO: 5:00 ^{a.m.}_{p.m.} 5-31 2006

Served to: MAILED 02/28/06

Date:

Served to: Mailed 5/12/06

Date:

By: J. Putney

Date:

By: J. Putney

Date:

EXTENDED TO: 5:00 ^{a.m.}_{p.m.} 6-30 2006EXTENDED TO: 5:00 ^{a.m.}_{p.m.} 7-31 2006

Served to: Mailed 6-23-06

Date:

Served to: Mailed

Date:

By: J. Putney

Date:

By: J. Putney

Date:

EXTENDED TO: ^{a.m.}_{p.m.} , 19EXTENDED TO: ^{a.m.}_{p.m.} , 19Served to: ^{a.m.}_{p.m.} , 19

Date:

Served to: ^{a.m.}_{p.m.} , 19

Date:

By: ^{a.m.}_{p.m.} , 19

Date:

By: ^{a.m.}_{p.m.} , 19

Date:

MODIFIED: ^{a.m.}_{p.m.} , 19

To:

By:

NON-COMPLIANCE: ^{a.m.}_{p.m.} , 19

To:

By:

Cessation Order Issued? ☐ yes ☐ no

If no, explain

VACATED: ^{a.m.}_{p.m.} , 19

To:

By:

TERMINATED: 8-2 2006

To: Mailed 8/3/06

By: J. Putney

AEC 12189

NOTICE OF VIOLATION

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OHIO DEPARTMENT OF NATURAL RESOURCES DIVISION MINERAL RESOURCES OF

2050 EAST WHEELING AVE. CAMBRIDGE OHIO 43725

TO: AMERICAN ENERGY CORPORATION PERMIT NO: D-0425

ADDRESS: 43521 MAYHUGH HILL ROAD^{Twp} BEALLSVILLE, OHIO 43716 DISCOVERY DATE: 10-3-2005

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By: J. Putz Date: 10-21-05 By: J. Putz Date: 11-21-05

EXTENDED TO: 5:00^{a.m.} 12-31-2005 EXTENDED TO: 5:00^{a.m.} 1-31-2006

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By: J. Putz Date: 12-23-05 By: J. Putz Date: 1-11-06

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By: J. Putz Date: 2-8-06 By: J. Putz Date: 4-17-06

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Served to: MAILED 02/28/06 Date: Served to: Mailed 5/12/06 Date:

By: J. Putz Date: 2-27-06 By: J. Putz Date: 5-11-06

EXTENDED TO: 5:00^{a.m.} 6-30-2006 EXTENDED TO: a.m. p.m. 19

Served to: Mailed 6-23-06 Date: Served to: Date:

By: J. Putz Date: 6-23-06 By: Date:

EXTENDED TO: a.m. p.m. 19 EXTENDED TO: a.m. p.m. 19

Served to: Date: Served to: Date:

By: Date: By: Date:

MODIFIED: a.m. p.m. 19 To: By:

NON-COMPLIANCE: a.m. p.m. 19 To: By:

Cessation Order Issued? yes no If no, explain

VACATED: a.m. p.m. 19 To: By:

TERMINATED: a.m. p.m. 19 To: By:

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10-3 2005

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O.A.C. 1501:13-12-03(H)(1).

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TIME: 5:00 ^{a.m.}_{p.m.} DATE: 10-21 2005

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BY:

J. Putay
Authorized Representative

TIME:

a.m.

p.m.

DATE:

Cert No. 7003 3110 0002 6535 1025

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Date:

By: J. Putay

Date:

MODIFIED:

, 19

To:

By:

NON-COMPLIANCE:

a.m.

p.m.

, 19

To:

By:

Cessation Order Issued? yes

no.

If no, explain

VACATED:

, 19

To:

By:

TERMINATED:

, 19

To:

By:

NOTICE OF VIOLATION

Nº 21871

ODNR

OHIO DEPARTMENT OF
NATURAL RESOURCES

DIVISION OF RECLAMATION

TO: Hamilton County Corporation

PERMIT NO: D-01929

ADDRESS: 4551 Mayhew Mill Road

DISCOVERY DATE: 10-13-1995

APPLICABLE STATUTE AND/OR RULE: C.R.C. 1513.01 & 1513.35

Chap. 1501: 15-12-03 (NRI)

DESCRIPTION OF VIOLATION: The Office has failed to submit to the State the Plans and Plans Supplemental to the permit of mitigation of the discharge of the waste water from the discharge in the discharge area.

(A) REMEDIAL ACTION & ABATEMENT TIME: Submit the Plans and Plans Supplemental to the permit of mitigation of the discharge of the waste water from the discharge in the discharge area.

TIME: 5:00 a.m. DATE: 10-21-1995

SERVED TO: Hamilton County Corporation BY: J. R. Rife TIME: 5:00 a.m. DATE: 10-21-1995

EXTENDED TO: a.m. , 19 EXTENDED TO: a.m. , 19

Served to: Date: Served to: Date:

By: Date: By: Date:

EXTENDED TO: a.m. , 19 EXTENDED TO: a.m. , 19

Served to: Date: Served to: Date:

By: Date: By: Date:

MODIFIED: , 19 To: By:

NON-COMPLIANCE: a.m. , 19 To: By:

Cessation Order Issued? yes no. If no, explain

TERMINATED: , 19 To: By:

TERMINATED: , 19 To: By:

78813

CIVIL PENALTY ASSESSMENTS

This Notice of Violation may result in a *civil penalty assessment of up to \$5,000.00 per day*. Each day of continuing violation may be deemed a separate violation for purposes of penalty assessments.

FAILURE TO COMPLY

Failure to comply with *any* remedial action required by this Notice of Violation, within the prescribed abatement time, may result in *CESSATION OF MINING* and a civil penalty assessment of at least \$750.00 PER DAY, for each day the violation continues.

INSTRUCTIONS FOR APPEAL

Review of this Notice of Violation may be obtained by filing a notice of appeal with the Reclamation Board of Review, Ohio Department of Natural Resources, 1840 Belcher Drive, Suite 200, Columbus, Ohio 43224, *within thirty days* after receipt of this Notice of Violation, and by filing a copy of the notice of appeal with the Chief of the Division of Reclamation, Ohio Department of Natural Resources, Fountain Square, Building B, Third Floor, Columbus, Ohio 43224, *within three days* after filing the notice of appeal with the Board.

Further provisions governing the review of this Notice of Violation, including request for temporary relief, are found in section 1513.13 of the Revised Code and rule promulgated thereunder.

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NATURAL RESOURCES

DIVISION MINERAL RESOURCES
OF

2050 EAST WHEELING AVE.
CAMBRIDGE, OHIO 43725

TO: AMERICAN ENERGY CORPORATION PERMIT NO: D-0425

ADDRESS: 43521 MAYHUGH HILL ROAD^{TWP} BEALLSVILLE, OHIO 43716 DISCOVERY DATE: 10-3-2005

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O.A.C. 1501:13-12-03(H)(1).

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TIME: 5:00 ^{am} _{p.m.} DATE: 10-21-2005

SERVED TO: Mailed 10/04/05 BY: J. Putney^{am} TIME: ^{am} _{p.m.} DATE: _{p.m.} DATE: _{p.m.}
Cert No. 7003 3110 0002 6535 1025 Authorized Representative

EXTENDED TO: 5:00 ^{am} _{p.m.} 11-20-2005 EXTENDED TO: 5:00 ^{am} _{p.m.} 12-26-2005

Served to: Mailed 10/27/05 Date: Served to: Mailed 11/23/05 Date: 11-21-
By: J. Putney^{am} Date: 10-21-05 By: J. Putney^{am} Date: 11-21-

EXTENDED TO: 5:00 ^{am} _{p.m.} 12-31-2005 EXTENDED TO: 3:00 ^{am} _{p.m.} 1-31-2006

Served to: Mailed 12/27/05 Date: Served to: Mailed 01/12/06 Date:
By: J. Putney^{am} Date: 12-23-05 By: J. Putney^{am} Date: 1-11-06

MODIFIED: , 19 To: By:

NON-COMPLIANCE: ^{am} _{p.m.} , 19 To: By:

Cessation Order Issued? yes no If no, explain

ACATED: , 19 To: By:

TERMINATED: , 19 To: By:



Ohio Department of Natural Resources

BOB TAFT, GOVERNOR

SAMUEL W. SPECK, DIRECTOR

Division of Mineral Resources Management

Mike Sponsler, Chief
34 Portsmouth Street
Jackson, OH 45640-1622
Phone: 740-286-6411
Fax: 740-286-1868

November 9, 2005

American Energy Corp.
43521 May Hugh Road
Beallsville, OH 43716

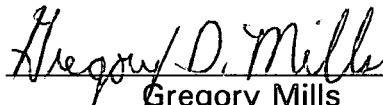
RE: Assessment for Notice of Violation Number 21871, Permit Number D-0425

The Division of Mineral Resources Management's civil penalty assessment program does not require a civil penalty to be assessed for a violation if the violation is assigned a monetary penalty amount less than or equal to five hundred dollars (\$500.00).

In determining the amount of the penalty, we are required by rule 1501: 13-14-03 to consider the permittee's history of violations on the permit; the seriousness of the violation; the degree of negligence, if any; and how rapidly the permittee abated the violation.

Using these criteria the Division of Mineral Resources Management determined the amount of the penalty for the violation shown above to be equal to or less than five hundred dollars (\$500.00), thus no penalty will be assessed. However, if the violation is not abated within the prescribed abatement period, a minimum assessment of \$750.00 per day will be assessed for each date of non-compliance, up to thirty days.

The violation shown above will remain on your record unless vacated as a result of administrative or judicial review.



Gregory Mills
Assessment Officer

cc: John Puterbaugh
Certified Mail Number: 7002 2410 0000 1221 7650

DIVISION OF MINERAL RESOURCES MANAGEMENT
ASSESSMENT OFF4475ICER WORKSHEET

N.O.V.# 21871 PERMIT #: D-425 CPA #

SERIOUSNESS: Total: \$200.00

- 1) YES Did the violation cause damage to permitted or unpermitted land? (\$400.00)
No X
- 2) Yes Did the violation cause irreparable or irreversible damage to permitted or unpermitted land? (\$400.00)
NO X
- 3) Yes Did the violation cause a situation which increased the probability of the public health or safety being adversely affected? (\$400.00)
No X
- 4) Yes X If an administrative violation (e.g. maps, permits, blast records, failure to notify for inspection purposes, etc.), did the violation obstruct enforcement or deny the Division or public the opportunity to exercise enforcement or permitting requirements? (\$200.00)
No
NA

Explain:

Failure to submit the plans & time schedule denies the Div. and the public the opportunity to enforce the underground mining mitigation requirements and may delay the repairs.

Negligence: TOTAL: \$200.00

- 5) YES X
NO Was the violation avoidable by the exercise of reasonable care? (\$200.00)
- 6) YES
NO X Was the violation a reckless act or a result of recklessness (\$500.00)
- 7) YES
NO X Was the violation knowingly or intentionally committed for economic gain from production (i.e. removal of overburden and/or coal)? (\$2,200.00)

Explain:

The operator should be aware of the requirements to submit site specific mitigation plans & time schedule. Exercise of reasonable care would have prevented the violation.

DIVISION OF MINERAL RESOURCES MANAGEMENT
ASSESSMENT OFFICER WORKSHEET

PERMITTEE: American Energy Corporation Permit #: D-425

INSPECTOR: J. Puterbaugh INSPECTION DATE: 10-03-05 NOV#: 21871

HISTORY:

TOTAL: \$100.00

(For violations issued on the same permit during the last twelve calendar months.)

- 8) Number of Violations 0 @ \$100.00 for each duplication of the same violation
- 9) Number of Violations 0 @ \$100.00 for each failure to abate cessation order
- 10) Number of Violations 5 @ \$20.00 each for all other violations

PROPOSED ASSESSMENT TOTAL: \$500.00

Date: 11-09-05

PATTERN OF VIOLATIONS REVIEWED YES

GOOD FAITH: Minus 25% of Assessment Total

- 11) Yes Did the permittee take **EXTRAORDINARY** actions to abate the violation in the shortest possible time and date the violation before the time set for abatement? See attached Good Faith Compliance Report.)
- NO

FINAL ASSESSMENT TOTAL: \$

DATE:

NOTE: Any **proposed and final** assessment of \$500.00 or less **may** be waived if the violation did not cause irreparable damage or affect public health or safety, **and** if the violation was abated within the prescribed abatement time. However, any assessment for a violation which was previously cited during the last 12 months on the same permit, for exceeding pint discharge effluent limitations or depositing sediment onto adjacent lands will generally not be waived.

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DISCOVERY DATE:

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SERVED TO: Mailed 10/04/05

BY: J. Putz ^{Authorized Representative}

TIME: ^{a.m.}_{p.m.} DATE:

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Date:

By: J. Putz

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Served to: Mailed 12/27/05

Date:

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Date:

By: J. Putz

Date: 12-23-05

By: J. Putz

Date: 1-11-06

EXTENDED TO: 5:00 ^{a.m.}_{p.m.} 3-2-2006

EXTENDED TO: ^{a.m.}_{p.m.} , 19

Served to: Mailed 02/09/06

Date:

Served to:

Date:

By: J. Putz

Date: 2-8-06

By:

Date:

EXTENDED TO: ^{a.m.}_{p.m.} , 19

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MODIFIED: ^{a.m.}_{p.m.} , 19

To: By:

NON-COMPLIANCE: ^{a.m.}_{p.m.} , 19

To: By:

Cessation Order Issued? ☐ yes ☐ no

If no, explain

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J. Patey
Authorized Representative

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10-21-05

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EXTENDED TO: _____, 19 _____

Served to: _____ Date: _____

Served to: _____ Date: _____

By: _____ Date: _____

By: _____ Date: _____

MODIFIED: _____, 19 _____

To: _____ By: _____

NON-COMPLIANCE: _____, 19 _____

To: _____ By: _____

Cessation Order Issued? _____ yes _____ no.

If no, explain _____

ACATED: _____, 19 _____

To: _____ By: _____

TERMINATED: _____, 19 _____

To: _____ By: _____

NOTICE OF VIOLATION

Nº21871

ODNR

OHIO DEPARTMENT OF
NATURAL RESOURCES

DIVISION MINERAL RESOURCES
OF

2050 EAST WHEELING AVE.
CAMBRIDGE, OHIO 43725

TO: AMERICAN ENERGY CORPORATION

PERMIT NO: D-0425

ADDRESS: 43521 MAYHUGH HILL ROAD

DISCOVERY DATE:

BEALLSVILLE, OHIO 43716

10-3-2005

APPLICABLE STATUTE AND/OR RULE: O.R.C. 1513.02 + 1513.35.

O.A.C. 1501:13-12-03(H)(1).

DESCRIPTION OF VIOLATION: THE OPERATOR FAILED TO SUBMIT THE SITE SPECIFIC PLANS AND TIME SCHEDULE FOR THE REPAIR OR MITIGATION OF THE DAMAGES AT THE MOORE FARM AS SPECIFIED IN DAMAGE NOTICE # 2004-001.

(A) REMEDIAL ACTION & ABATEMENT TIME: SUBMIT THE SITE SPECIFIC PLANS AND TIME SCHEDULE FOR THE REPAIR OR MITIGATION OF THE DAMAGE AT THE MOORE FARM OR EVIDENCE OF ANY AGREEMENT WHICH ADDRESS THE REPAIR OF OR COMPENSATION FOR THE DAMAGES TO THE MOORE'S STRUCTURES.

TIME: 5:00 ^{a.m.}/_{p.m.} DATE: 10-21-2005

SERVED TO: Mailed 10/04/05

BY: J. Putney
Authorized Representative

TIME: _____ a.m.
p.m. DATE: _____

Cert No. 7003 3110 0002 6535 1025

EXTENDED TO: 5:00 ^{a.m.}/_{p.m.} 11-20-2005

EXTENDED TO: 5:00 ^{a.m.}/_{p.m.} 12-26-2005

Served to: Mailed 10/27/05

Date: _____

Served to: Mailed 11/23/05

Date: _____

By: J. Putney

Date: 10-21-05

By: J. Putney

Date: 11-21-

EXTENDED TO: _____ a.m.
p.m. , 19 _____

EXTENDED TO: _____ a.m.
p.m. , 19 _____

Served to: _____ Date: _____

Served to: _____ Date: _____

By: _____ Date: _____

By: _____ Date: _____

MODIFIED: _____ , 19 _____

To: _____ By: _____

NON-COMPLIANCE: _____ a.m.
p.m. , 19 _____

To: _____ By: _____

Cessation Order Issued? _____ yes _____ no.

If no, explain _____

VACATED: _____ , 19 _____

To: _____ By: _____

TERMINATED: _____ , 19 _____

To: _____ By: _____

NOTICE OF VIOLATION

Nº21871

ODNR

OHIO DEPARTMENT OF
NATURAL RESOURCESDIVISION MINERAL RESOURCES
OF2050 EAST WHEELING AVE.
CAMBRIDGE, OHIO 43725

TO: AMERICAN ENERGY CORPORATION PERMIT NO: D-0425

ADDRESS: 43521 MAYHUGH HILL ROAD ^{Twp.} 88 BEALLSVILLE, OHIO 43716 10-3 2005APPLICABLE STATUTE AND/OR RULE: O.R.C. 1513.02 + 1513.35.
O.A.C. 1501:13-12-03(H)(1).

DESCRIPTION OF VIOLATION: THE OPERATOR FAILED TO SUBMIT THE SITE SPECIFIC PLANS AND TIME SCHEDULE FOR THE REPAIR OR MITIGATION OF THE DAMAGES AT THE MOORE FARM AS SPECIFIED IN DAMAGE NOTICE # 2004-001.

(A) REMEDIAL ACTION & ABATEMENT TIME: SUBMIT THE SITE SPECIFIC PLANS AND TIME SCHEDULE FOR THE REPAIR OR MITIGATION OF THE DAMAGE AT THE MOORE FARM OR EVIDENCE OF ANY AGREEMENT WHICH ADDRESS THE REPAIR OF OR COMPENSATION FOR THE DAMAGES TO THE MOORE'S STRUCTURES.

TIME: 5:00 ^{a.m.} _{p.m.} DATE: 10-21 2005SERVED TO: Mailed 10/04/05 BY: J. Putney ^{a.m.} _{p.m.} TIME: DATE:
Cert No. 7003 3110 0002 6535 1025 Authorized RepresentativeEXTENDED TO: 5:00 ^{a.m.} _{p.m.} 11-20 2005 EXTENDED TO: 5:00 ^{a.m.} _{p.m.} 12-26 2005Served to: Mailed 10/27/05 Date: Served to: Mailed 11/23/05 Date:
By: J. Putney Date: 10-21-05 By: J. Putney Date: 11-21-05EXTENDED TO: 5:00 ^{a.m.} _{p.m.} 12-31 2005 EXTENDED TO: ^{a.m.} _{p.m.} , 19Served to: Mailed 12/27/05 Date: Served to: Date:
By: J. Putney Date: 12-23-05 By: Date:

MODIFIED: , 19 To: By:

NON-COMPLIANCE: ^{a.m.} _{p.m.} , 19 To: By:

Cessation Order Issued? yes no. If no, explain

VACATED: , 19 To: By:

TERMINATED: , 19 To: By:

NOTICE OF VIOLATION

Nº21871

ODNR

OHIO DEPARTMENT OF
NATURAL RESOURCES

DIVISION MINERAL RESOURCES
OF

2050 EAST WHEELING AVE.
CAMBRIDGE, OHIO 43725

TO: AMERICAN ENERGY CORPORATION

PERMIT NO: D-0425

ADDRESS: 43521 MAYHUGH HILL ROAD^{Twp} 88
BEALLSVILLE, OHIO 43716

DISCOVERY DATE:
10-3-2005

APPLICABLE STATUTE AND/OR RULE: O.R.C. 1513.02 + 1513.35.
O.A.C. 1501:13-12-03(H)(1).

DESCRIPTION OF VIOLATION: THE OPERATOR FAILED TO SUBMIT THE
SITE SPECIFIC PLANS AND TIME SCHEDULE FOR THE
REPAIR OR MITIGATION OF THE DAMAGES AT THE
MOORE FARM AS SPECIFIED IN DAMAGE NOTICE
2004-001.

(A) REMEDIAL ACTION & ABATEMENT TIME: SUBMIT THE SITE SPECIFIC
PLANS AND TIME SCHEDULE FOR THE REPAIR OR
MITIGATION OF THE DAMAGE AT THE MOORE FARM OR EVIDENCE
OF ANY AGREEMENT WHICH ADDRESS THE REPAIR OF OR COMPENSATION
FOR THE DAMAGES TO THE MOORE'S STRUCTURES.

TIME: 5:00 ^{2.m.}_{p.m.} DATE: 10-21-2005

SERVED TO: Mailed 10/04/05

BY:

J. Patey
Authorized Representative

TIME:

a.m.

p.m. DATE:

Cert No. 7003 3110 0002 6535 1025

a.m.